

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES D. HARRISON,  
Petitioner,

No. C 13-3004 SI (pr)

**ORDER OF DISMISSAL**

v.

HOLLAND, warden,  
Respondent.

James D. Harrison, a prisoner at the California Correctional Institute in Tehachapi, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was far from complete in that it was unsigned and consisted of only a cover page and a second page that appears to be a list of books. Petitioner was informed that he needed to file a petition within 28 days or the action would be dismissed. He also was sent a notice that he had not paid the filing fee or applied for leave to proceed *in forma pauperis*, and was given 28 days to either pay the fee or file the application or the action would be dismissed. Petitioner filed an *in forma pauperis* application but did not bother to file a completed petition for writ of habeas corpus. This action therefore is DISMISSED without prejudice for failing to file a signed petition for writ of habeas corpus.

Due to petitioner's failure to file a completed petition for writ of habeas corpus, the court is unsure whether he is once again attempting to challenge his 1997 conviction from the Alameda County Superior Court. As the court explained in dismissing an earlier petition from this same prisoner, he cannot file a new petition to challenge his 1997 conviction unless he first

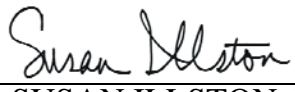
1 obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this  
2 court to consider the petition, *see* 28 U.S.C. § 2244(b)(3)(A), because his first habeas petition  
3 challenging that conviction, *Harrison v. Prunty*, Case No. C 06-2220 SI, was dismissed as  
4 untimely. *See* Order of Dismissal in *Harrison v. Louis*, Case No. 11-931 SI.

5 Petitioner's *in forma pauperis* application is GRANTED. (Docket # 2 and # 5.)

6 The clerk shall close the file.

7 IT IS SO ORDERED.

8 DATED: October 10, 2013

  
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SUSAN ILLSTON  
United States District Judge